



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

RPD:FJN
F. #2018R02303

271 Cadman Plaza East
Brooklyn, New York 11201
July 10, 2019

By Email and ECF

The Honorable William F. Kuntz, II
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: United States v. Ronell Watson
Criminal Docket No. 19-004 (WFK)

Dear Judge Kuntz:

In anticipation of the summations in this case, and mindful of the Court's admonition regarding counsel commenting on the law, the United States hereby submits three slides it would like to use in its Closing Argument, to ensure that their use would not contravene the Court's practice. The slides – one for each count in the indictment – lists the elements the government must prove beyond a reasonable doubt to sustain a conviction. The government intends to use the slides to explain to the jury how the evidence admitted at trial proves each of the elements.

While the government does not anticipate that the trial evidence will ultimately warrant jury charges on the affirmative defense of self-defense or the lesser-included-offense of attempted voluntary manslaughter, the slides as currently drafted address both those issues as they are included in the defendant's proposed jury charge. As such, there is also a fourth slide that would simply excerpt the Court's definitions of "provocation" and "heat of passion", both relevant to the lesser-included-offense of attempted voluntary manslaughter.

The United States hereby respectfully moves for permission of the Court to use the attached slides in its Closing Argument.

Respectfully submitted,

/s/ Richard P. Donoghue
Richard P. Donoghue
United States Attorney
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cc: All counsel (via email)

Count One: Attempted Murder of a Federal Officer

- On or about December 8, 2018
- Within the Eastern District of New York
- Watson did knowingly and intentionally
- And with malice aforethought

{ Watson was not acting both in response to
provocation and in the "heat of passion" }

- Attempt to kill SA Christopher Harper by taking a substantial step toward his murder
- SA Harper was an officer or employee of the FBI
- SA Harper was engaged in official duties
- Watson was not acting in self-defense

If he was, convict
only on the
Lesser Offense
of Voluntary
Manslaughter

Self-Defense Requires:

1. Not the aggressor
2. Reasonably believe (objective standard)
3. Physical attack is imminent
4. Force used to respond to threat is reasonable

Count One: Lesser Included Offense: Attempted
Voluntary Manslaughter of a Federal Officer

“Provocation” means . . .

“Heat of passion” means . . .

Count Two: Assault of a Federal Officer

- On or about December 8, 2018
- Within the Eastern District of New York
- Watson did knowingly, intentionally and forcibly
- Assault, resist, impede, intimidate or interfere w/ SA Harper
- SA Harper was an officer or employee of the FBI at the time
- SA Harper was engaged in official duties at time
- Watson was not acting in self-defense
- Assault involved deadly / dangerous weapon
- Assault involved infliction of bodily injury

Self-Defense Requires:

1. Not the aggressor
2. Reasonably believe (objective standard)
3. Physical attack is imminent
4. Force used to respond to threat is reasonable

Count Three: Possessing and Discharging Firearm
During Crime of Violence

- On or about December 8, 2018
- Within the Eastern District of New York
- Watson did knowingly and intentionally
- Use and Carry during and in relation to,
or Possess in furtherance of
- Count One and/or
- Count Two
- A firearm
- Which firearm was discharged